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TITLE 71 INDIANA HORSE RACING COMMISSION

LSA Document #02-251(E)

DIGEST

Amends 71 IAC 12-2-15 concerning the allocation of riverboat gambling revenue. Amends 71 IAC 12-2-19 concerning the allocation of breakage and outs. Effective January 1, 2003.

71 IAC 12-2-15

71 IAC 12-2-19

SECTION 1. 71 IAC 12-2-15, AS AMENDED AT 25 IR 1189, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

71 IAC 12-2-15 Allocation of riverboat gambling admissions tax revenue

Authority: IC 4-31-3-9; IC 4-33-12-6

Affected: IC 4-31-11-10

Sec. 15. (a) An association must be racing live in order to be eligible to receive distributions of riverboat gambling admissions tax revenue pursuant to this section.

(b) The commission shall allocate the riverboat gambling admissions tax revenue distributed to the commission by the treasurer of state pursuant to IC 4-33-12-6 as follows:

(1) Twenty percent (20%) divided ~~equally~~ between the standardbred breed development fund, ~~and the thoroughbred breed development fund, and quarter horse breed development fund~~ as established by the commission under IC 4-31-11-10 ~~after the first one hundred thousand dollars (\$100,000) is allocated to the quarter horse breed development fund.~~ **as follows:**

(A) Forty-eight percent (48%) to standardbred breed development.

(B) Forty-eight percent (48%) to thoroughbred breed development; and

(C) Four percent (4%) to quarter horse breed development.

(2) Forty percent (40%) to purses for the benefit of horsemen, which shall be divided equally between the standardbred purse account and the thoroughbred purse account after the first two hundred thousand dollars (\$200,000) is allocated to purses for races for quarter horses. If more than one (1) track races a specific breed, purses for that breed shall be divided to the purse accounts of the tracks in question proportionally based upon the number of live race dates for that breed. To the extent practical, the revenue received under this subsection shall be distributed as purses for the benefit of horsemen in the year in which the revenue is received.

(3) In a year in which only one (1) association conducts live pari-mutuel racing, forty percent (40%) shall go to the association after the first five hundred thousand (\$500,000) is distributed as follows:

(A) Two hundred thousand (\$200,000) to the thoroughbred development fund.

(B) Two hundred thousand (\$200,000) to the standardbred development fund.

(C) One hundred thousand (\$100,000) to the quarter horse development fund.

Such revenue may be used by the association for purses, promotions, and routine operations of the race track. Provided, however, that such monies shall not be used for long term capital investment or construction.

(4) In a year in which more than one (1) association conducts live pari-mutuel racing, forty percent (40%) to the associations, which shall be divided proportionally based on the total purses, irrespective of any breed considerations, generated by each association's track and satellite facilities from the following sources:

(A) Live handle at track.

- (B) Live handle at satellite facilities.
- (C) Interstate simulcasting receiving handle.
- (D) Interstate simulcasting sending handle.

Notwithstanding above formula, in a year which two (2) associations conduct commission approved live racing of both thoroughbreds and standardbreds at each facility, the forty percent (40%) shall be divided equally between associations.

(Indiana Horse Racing Commission; 71 IAC 12-2-15; emergency rule filed Mar 9, 1994, 2:50 p.m.: 17 IR 1629; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2090; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2423; emergency rule filed Dec 22, 1999, 4:13 p.m.: 23 IR 1113, eff Dec 15, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-269(E) was filed with the secretary of state on December 22, 1999]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1189; emergency rule filed Aug 22, 2002, 12:41 p.m.: 26 IR 58, eff Jan 1, 2003)

SECTION 2. 71 IAC 12-2-19, AS AMENDED AT 25 IR 1190, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

71 IAC 12-2-19 Allocation of breakage and outs

Authority: IC 4-31-3-9; IC 4-31-9-10

Affected: IC 4-31-11-10; IC 4-31-11-11

Sec. 19. All breakage and outs shall be distributed, ~~equally~~, irrespective of the number of tracks, between the standardbred breed development fund, ~~and the thoroughbred breed development fund~~, **and quarter horse breed development fund** as established by the commission under IC 4-31-11-10 **as follows:**

- (1) Forty-eight percent (48%) to standardbred breed development.**
- (2) Forty-eight percent (48%) to thoroughbred breed development; and**
- (3) Four percent (4%) to quarter horse breed development.**

(Indiana Horse Racing Commission; 71 IAC 12-2-19; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2424; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1190; emergency rule filed Aug 22, 2002, 12:41 p.m.: 26 IR 59)

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